

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L MOSCOW 17258

E.O. 11652: XGDS-1
TAGS: PINT, PEPR, PDIP, UR, US
SUBJECT: EMBASSY REPLY TO SOVIET NOTE ON SMITH ACCESS
INCIDENT
REF: MOSCOW 17141

1. AT AMBASSADOR'S INSTRUCTIONS, DCM CALLED ON
CHIEF, MFA USA DIVISION DOMPLEKTOV JULY 24 TO DELIVER
FOLLOWING NOTE ON INCIDENT INVOLVING SMITH:
BEGIN QUOTE NO. 1338

THE EMBASSY OF THE UNITED STATES OF AMERICA, REFERRING
TO THE INCIDENT DISCUSSED IN ITS NOTE NO. 1310 IN WHICH
EMBASSY SECOND SECRETARY RAYMOND F. SMITH WAS PHYSICALLY
ASSAULTED BY TWO SOVIET SECURITY PERSONNEL ON THE
TERRITORY OF THE EMBASSY, REAFFIRMS ITS POSITION AS STATE
IN NOTE NO. 1310 AND CATEGORICALLY AND UNEQUIVOCALLY
REJECTS THE INACCURATE VERSION OF THE INCIDENT
CONTAINED THEREIN.

THE FACTS ARE THAT AN EMBASSY DIPLOMAT, MR. SMITH, WAS
MANHANDLED NOT JUST BY ONE, BUT BY TWO SOVIET SECURITY
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PERSONNEL AND NOT JUST IN ANY LOCATION, BUT ON THE
VERY GROUNDS OF THE EMBASSY, FROM WHICH HE WAS
PHYSICALLY DRAGGED WHILE PROTESTING THAT HE WAS AN
AMERICAN DIPLOMAT. AFTER THE FACT EXPLANATIONS
ABOUT IGNORANCE OF MR. SMITH'S IDENTITY CAN NEITHER
JUSTIFY NOR EXCUSE THIS VIOLATION OF THE TWO MOST
ELEMENTARY PRINCIPLES OF DIPLOMATIC PRACTICE--

INVIOABILITY OF THE PERSON OF A DIPLOMAT AND OF THE TERRITORY OF AN EMBASSY. THE CHARGES THAT MR. SMITH MOUNTED AN UNPROVOKED ASSAULT ON A MILITIAMAN AND TRIED TO DRAG HIM ONTO THE GROUNDS OF THE EMBASSY ARE PREPOSTEROUS AND DESERVE NO FURTHER COMMENT. THE EMBASSY WISHES TO POINT OUT THAT THE INCIDENT OF JULY 20 WAS NOT THE FIRST PROVOCATION DIRECTED AGAINST MR. SMITH. PRIOR INCIDENTS OF HARASSMENT WERE PROTESTED IN EMBASSY NOTES NO. 169 OF JANUARY 17, 1978 AND 291 OF MARCH 10, 1978. THE EMBASSY WISHES TO LEAVE NO DOUBT THAT IT WILL CONSIDER ANY FURTHER PROVOCATIONS DIRECTED AGAINST MR. SMITH TO HAVE BEEN UNDERTAKEN BY DELIBERATE DECISION OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS. RESPONSIBILITY FOR THE CONSEQUENCES OF SUCH A DECISION WILL REST ENTIRELY WITH THE SOVIET SIDE.

THE EMBASSY REITERATES ITS DEMAND THAT THE FOREIGN MINISTRY TAKE WHATEVER STEPS ARE NECESSARY TO ENSURE THAT THE SOVIET UNION'S SECURITY PERSONNEL ARE INSTRUCTED NOT TO HINDER IN ANY WAY ACCESS TO THE EMBASSY BY PERSONS WITH LEGITIMATE BUSINESS THERE. THIS IS SUCH AN ELEMENTARY CONDITION OF NORMAL WORKING CONDITIONS AND DIPLOMATIC PRACTICE THAT THE EMBASSY FINDS IT ASTONISHING THAT CONFIDENTIAL

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IT MUST TIME AND AGAIN RETURN TO THE MINISTRY WITH THE DEMAND THAT THIS PRACTICE BE OBSERVED.

THE EMBASSY DEMANDS AN APOLOGY FOR THE ASSAULT ON SECOND SECRETARY SMITH AND FOR THE VIOLATION OF ITS EXTRA-TERRITORIALITY, AND ASSURANCES THAT SUCH ACTIONS WILL NOT BE REPEATED. END QUOTE.

2. DCM READ NOTE TO KOMPLEKTOV AND STATED THAT, WHILE NOTE SPOKE FOR ITSELF, HE WOULD REITERATE THAT TWO SOVIET OFFICIALS HAD VIOLATED IMMUNITY OF DIPLOMATIC OFFICER AND EMBASSY TERRITORY, AND THAT EMBASSY ASTOUNDED BY MINISTRY'S ATTEMPT TO DISTORT THE FACTS IN ITS NOTE OF JULY 21. IF TWO INDIVIDUALS MADE A MISTAKE, IT WILL BE EASY TO PUT AN END TO THE MATTER BY OFFERING APPROPRIATE APOLOGIES AND SEEING TO IT THAT SUCH INCIDENTS DO NOT RECUR.

3. KOMPLEKTOV WAS, HOWEVER, UNYIELDING AND REPEATED THE POSITION TAKEN IN THE SOVIET NOTE OF JULY 21, EXCEPT THAT HE AVOIDED CLAIMING THAT SMITH HAD

DRAGGED THE MILITIAMAN ONTO EMBASSY PROPERTY. HE
DID, HOWEVER, REITERATE THAT IT MIGHT BE NECESSARY
FOR THE SOVIETS TO RETURN TO THE MATTER
SUBSEQUENTLY. DCM REMINDED HIM THAT THE EMBASSY
AND ONE OF ITS OFFICERS HAD SUFFERED VIOLATIONS
OF THEIR IMMUNITY, AND THAT MATTER COULD NOT BE
SETTLED SATISFACTORILY BY IGNORING THIS BASIC
FACT AND CLAIMING A DISTORTED VERSION OF EVENTS.
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